

Message Text

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ORIGIN EB-08

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C O N F I D E N T I A L STATE 019339

USOCD, EXCON

E.O. 11652: XGDS-1

TAGS: ESTC, COCOM, FR

SUBJECT: EXPORT OF DIGITAL COMPUTERS ADAPTED TO MESSAGE
SWITCHING SYSTEMS IL 1565 (C) (4)

REF: A) COCOM DOC. DEF (77) 1565/33 AND B) COCOM DOC.
DEF. (77)1565/36B AND C) COCOM DOC. (77) 120

1. IN REF B, THE FRENCH INDICATED THEIR DISAGREEMENT WITH
THE U.S. POSITION (REF A) THAT MESSAGE SWITCHING SYSTEMS
DESTINED FOR MORFLOT WERE NOT ELIGIBLE FOR TREATMENT UNDER
NOTE 4 TO ITEM 1565. THE U.S. RECAPITULATION OF THE HIS-
TORICAL DEVELOPMENT OF THAT NOTE (REF A) WAS INCOMPLETE AND
SOMEWHAT GARBLED. WE HAVE LABORIOUSLY RESEARCHED THE BACK-
GROUND ONCE AGAIN. THE USDEL IS THEREFORE REQUESTED TO
SUBMIT THE FOLLOWING NEW STATEMENT TO THE COMMITTEE:
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2. WITH REFERENCE TO COCOM DOCS DEF (77) 1565/33 AND 36,
THE US MAINTAINS ITS POSITION AND SEEKS THE CONCURRENCE OF
THE OTHER MEMBERS OF COCOM THAT MESSAGE SWITCHING SYSTEMS
DESTINED FOR MORFLOT IN THE SOVIET UNION ARE NOT ELIGIBLE
FOR TREATMENT UNDER NOTE 4 TO ITEM 1565. THE US STATEMENT
TO THIS EFFECT IN COCOM DOC. DEF. (77) 1565/33 WAS SOMEWHAT

GARBLED. ACCORDINGLY, THE FOLLOWING REVISED BACKGROUND STATEMENT IS SUBMITTED:

3. THE RECORD INDICATES THAT DURING THE LAST LIST REVIEW (1974/75) THE U.S. PROPOSED A NOTE TO IL 1565 TO PERMIT THE EXPORT OF THE COMPUTERS FOR TELEPHONE SWITCHING SYSTEMS (COCOM DOC. REV (71) 1565/W.P. 3, NOTE 10) WHICH STATED IN PART (NOTE 10 (B) (III) THAT:

4. "THE SWITCHING SYSTEM WILL BE OPERATED BY CIVIL AUTHORITIES OF THE IMPORTING COUNTRY FOR GENERAL CIVIL TRAFFIC, OR FOR TRAFFIC WITH LINKS WITH WESTERN COUNTRIES, OR FOR AN INTERNATIONAL SERVICE TO FULFILL A COMMITMENT TO CCITT, ICAO, OR OTHER INTER-GOVERNMENTAL ORGANIZATIONS WHICH INCLUDE WESTERN COUNTRIES;"

5. THE U.S. STATED, IN PRESENTING ITS PROPOSAL TO A WORKING GROUP MEETING (COCOM DOC. REV (71) 1565/23, ANNEX 1, PARA. 9), THAT: "ON (COCOM DOC. REV (71) 1565/W.P. 3, NOTE 10) (B) (III), THE U.S. COMMENTED THAT THIS WAS BASED ON THE WORDING IN IL 1519...."

6. THE U.S. DELEGATE WAS REFERRING TO THE THEN CURRENT LIST (COCOM DOC. (72) 2500) WHICH IN IL 1519 NOTE 4 STATED IN PART THAT: "GOVERNMENTS MAY PERMIT, AS ADMINISTRATIVE EXCEPTIONS THE SHIPMENT OF EQUIPMENT..., PROVIDED THAT IT ... IS TO BE PERMANENTLY INSTALLED IN A CIRCUIT OPERATED BY CONFIDENTIAL

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THE CIVILIAN AUTHORITIES OF THE IMPORTING COUNTRY, AND IS TO BE USED...FOR GENERAL COMMERCIAL TRAFFIC, AS FOLLOWS:

(A) ...

(B) ...

(C) DATA COMMUNICATION EQUIPMENT..."

THUS THE U.S. PROPOSAL, IN TERMS OF APPROVABLE USES OF COMPUTERS FOR TELEPHONE SWITCHING SYSTEMS, WAS TO BE TIED TO THE COMMON UNDERSTANDINGS OF APPROVABLE USES DEVELOPED FOR IL 1519.

7. IN LATER DISCUSSIONS RELATED TO WHETHER PRIVATE TELEPHONE EXCHANGES SHOULD BE INCLUDED IN THE SAME NOTE AS AN APPROVED USE, THE U.S. DELEGATE INDICATED (COCOM DOC. REV (71) 1565/30 PARAS. 49 AND 51 IN PART THAT: "THEY (THE U.S. DELEGATION) FELT THAT, EQUIPMENT EXPORTED TO CIVIL P.T.T. AUTHORITIES WOULD BE LOCATED IN MAJOR POPULATION CENTERS WITH LITTLE RISK OF SIGNIFICANT DIVERSION"

--REFERRING TO THE APPLICATION OF NOTE 10 TO 50,000 LINE EXCHANGES, WHILE THEY (THE U.S. DELEGATION) BELIEVED THAT THIS CAPACITY WAS NECESSARY AND APPROPRIATE FOR CIVIL

P.T.T. EXCHANGES, THEY WERE NOT SURE THAT PRIVATE OR
PRIVATE BRANCH EXCHANGES WOULD NEED TO BE OF THAT SIZE...."

8. THESE STATEMENTS CLEARLY INDICATE THAT THE CONTEXT OF
"CIVIL AUTHORITIES" WAS "CIVIL P.T.T. AUTHORITIES".
FURTHER, THESE "CIVIL AUTHORITIES" WERE DIFFERENTIATED
FROM "PRIVATE USERS" AND SINCE IN THE BLOC THERE ARE IN
EFFECT NO PRIVATE ORGANIZATIONS, THE "CIVIL AUTHORITIES"
WERE DIFFERENTIATED FROM ALL OTHER GOVERNMENT ORGANIZATIONS
SUCH AS MORFLOT. THIS DIFFERENTIATION IS MAINTAINED IN
THE CURRENT IL 1565 NOTE 5.

9. AT THE TIME THAT THE U.S. WAS PROPOSING THE ABOVE NOTE
TO PERMIT THE EXPORT OF COMPUTERS FOR TELEPHONE SWITCHING
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SYSTEMS, IT WAS PROPOSING A TOTAL EMBARGO ON "DATA
(MESSAGE) SWITCHING" COMPUTERS AND SYSTEMS (THIS EMBARGO
WAS FORMALLY ACCEPTED AS THE CURRENT IL 1565 (C) (4)).
HOWEVER, SEVERAL MEMBER COUNTRIES, PARTICULARLY THE
NETHERLANDS, REQUESTED SOME RELIEF OF THE EMBARGO FOR
SIMPLE TYPES OF MESSAGE SWITCHING SYSTEMS. AFTER SEVERAL
ATTEMPTS TO DRAFT AN ADMINISTRATIVE NOTE, THE NETHERLANDS'
DELEGATE PROPOSED (COCOM DOC. REV (71) 1565/30, PARA. 189):

"THE NETHERLANDS DELEGATION THEREUPON SUGGESTED THE DRAFT-
ING OF A NOTE (THE CURRENT IL1565 NOTE 4) WITH THE SAME
LAYOUT AS THAT APPEARING IN PARAGRAPH 62 OF COCOM DOC. REV
(71) 1565/23 (AN EARLIER NETHERLANDS PROPOSAL) BUT REVISED
ALON THE LINES OF SUB-PARAGRAPH (B) (III) (1) OF NOTE 10
(THE CURRENT IL 1565 NOTE 5)....."

10. THUS, HAVING THESE TWO DISCUSSIONS IN CLOSE JUXTA-
POSITION (PARAS. 49 AND 51 VS. PARA. 189, COCOM DOC. (71)
1565/30 WITH THE CLEAR INTENT OF REVISING THE NOTE CONCERN-
ING MESSAGE SWITCHING SYSTEMS ALONG THE LINES OF THE NOTE
CONCERNING COMPUTERS FOR TELEPHONE SWITCHING, MAKES IT
EVIDENT THAT THE INTERPRETATION OF "CIVIL AUTHORITIES" IN
BOTH NOTES SHOULD BE THE SAME. THE FRENCH DELEGATION
AGREED TO THE NETHERLANDS' PROPOSAL IMMEDIATELY THEREAFTER
(COCOM DOC. REV (71) 1565/30, PARA. 191).

11. FINALLY, IN ACCEPTING THE NOTE CONCERNING MESSAGE
SWITCHING SYSTEMS, THE U.S. RESTATED ITS CONCERNS RELATIVE
TO THE EXPORT OF THESE SYSTEMS AND REQUESTED CAREFUL REVIEW
OF ANY SUCH REQUESTS FOR EXPORTS AS FOLLOWS (COCOM DOC.
(71) 1565/30, PARA. 232):

"... IN AN ENDEAVOR TO ARRIVE AT A CONCLUSION OF ITEM 1565,
THEY (THE U.S. DELEGATION) COULD AGREE ON THE UNDERSTANDING
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THAT, BEARING IN MIND THE U.S. CONCERNS REGARDING POTENTIAL MILITARY UTILITY, GOVERNMENTS WOULD CAREFULLY JUDGE SUCH TRANSACTIONS UNDER THE CONDITIONS OF SUB-PARAGRAPH (2) (THE CURRENT IL 1565 NOTE 4 (B)) AND ON THE BASIS OF VALID SUPPORTING INFORMATION TO ENSURE THAT THE SYSTEMS WOULD BE, AND WOULD CONTINUE TO BE, USED FOR THE CIVIL APPLICATIONS INDICATED."

ALL DELEGATIONS AGREED TO THIS UNDERSTANDING IN PARAGRAPH 233.

12. FROM THE ABOVE, THE USG BELIEVES IT IS CLEAR THAT THE INTENTION LIMITED THE USES OF EQUIPMENT EXPORTED UNDER IL 1565 NOTES 4 AND 5 TO PTT'S AND OTHER CLEARLY CIVIL AUTHORITIES RELATED TO ITU, ICAO AND SIMILAR INTERGOVERNMENTAL ORGANIZATIONS WHICH INCLUDE WESTERN COUNTRIES. THE US BELIEVES THAT MORFLOT DOES NOT FIT THAT DEFINITION AND WOULD WELCOME THE COMMENTS OF OTHER MEMBERS ON THIS INTERPRETATION. VANCE

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